

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DEBORAH RIPPY,)	
)	
Plaintiff,)	No. 3:12-cv-00258
)	
v.)	
)	
CAROLYN W. COLVIN,)	Judge Nixon
Commissioner of Social Security,)	Magistrate Judge Griffin
)	
Defendant.)	

ORDER

Pending before the Court is Plaintiff Deborah Rippy's Motion for Attorneys Fees ("Motion") (Doc. No. 19), filed with a Memorandum in Support (Doc. No. 19-1), a Declaration of Michael P. Williamson (Doc. No. 19-2), and an Attorney's Statement of Time (Doc. No. 19-3). Plaintiff's counsel seeks \$11,187.00 in attorney's fees, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (d)(1)(A). (Doc. No. 19 at 1.) Defendant Commissioner of Social Security filed a Response in Opposition, objecting to the award on the grounds that "The Court has not entered an order in this case indicating that Plaintiff is the prevailing party and has not entered a final judgment in this case." (Doc. No. 20 at 2.)

On August 22, 2012, Defendant filed a Motion to Remand Pursuant to Sentence Six of the Social Security Act, 42 U.S.C. § 405(g) (Doc. No. 13) which the Court granted (Doc. No. 15). The Court also entered an Order retaining jurisdiction in this case, and requiring Defendant to file with the Court the decision rendered by the Commissioner on remand. (Doc. No. 17 at 1.) Thereafter, Defendant filed with the Court a favorable decision for the Plaintiff. (Doc. No. 18-1.)

Upon review of this matter, the Court finds that, as Plaintiff received a favorable decision from the Commissioner, judgment is hereby **ENTERED** in her favor. However, because no judgment had entered at the time of Plaintiff's filing her Motion, she was not yet a prevailing party, and her Motion

was premature. Accordingly, the Motion (Doc. No. 19) is **TERMINATED AS MOOT**, and Plaintiff is directed to re-file her Motion.

It is so ORDERED.

Entered this the 14 day of June, 2014.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT